State of the Art

Workplace Mediation: An Underdeveloped Research Area

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In this article, we review the literature on workplace mediation. To organize the literature in a logical way, we have relied primarily on the model of Margaret Herrman and her colleagues and examine the important influence of culture and feedback loops on the practice of workplace mediation. Workplace mediation has become a frequent practice in the United States, Europe, much of Asia, and Australia. In the literature, we have found various descriptions of this practice as well as long lists of its assumed benefits, but empirical studies examining the effectiveness of workplace mediation have been few; a limited number of studies have investigated which conditions ensure the effectiveness of workplace mediation, and few studies have relied on observations. As such, workplace mediation represents an underdeveloped research area. In this article, we describe the findings from the existing literature and offer suggestions for future research.

Key words: mediation, conflict resolution, workplace mediation, labor mediation, employment disputes, workplace conflict.

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Introduction

In recent decades, organizations have realized the unavoidable reality of workplace conflicts and their potentially destructive consequences. Employee turnover, medical costs, and absenteeism associated with interpersonal conflict among employees can generate considerable expenses and loss of productivity for firms, while the disputants themselves often experience a deterioration of their psychological and physical well-being (De Dreu 2008). In order to prevent or limit the negative consequences of conflict (Giebels and Janssen 2005; Dijkstra 2006; Herrman, Hollett, and Gale 2006), employers have launched mediation programs and offer mediation in order to solve workplace conflicts in a constructive and nonjudicial way.

In the United States, important workplace mediation programs sponsored by such agencies as the Federal Equal Employment Opportunity Commission (EEOC) (Swendiman 2001; Zimmerman 2001) and the U.S. Postal Service (USPS) (Bush 2001; Bingham 2012) represent major milestones in the growth of workplace mediation.

In Europe, workplace mediation has recently been promoted by both the European Commission (2002, 2004) and national governments. Centers offering workplace mediation have been opened in such countries as France (e.g., Centre Resolution des Conflits), Italy, the Netherlands (e.g., Result Mediation Centre), Germany, and the United Kingdom (e.g., Workplace Mediation UK) (Dolder 2004). In several European legislatures, mediation has been incorporated in policies as a tool to solve conflicts in a constructive way (e.g., the German Civil Code or Verbetering Poortwachter in the Netherlands).

But despite the increased promotion and implementation of mediation, there has been a lack of empirical research on workplace mediation. Few rigorous tests of the effects and effectiveness of workplace mediation exist. In this article, we examine the research that has been conducted and how it has improved our understanding of workplace mediation and its effectiveness; we also suggest areas in which future research and scholarship are needed.

Mediation is offered collectively (see Bingham and Chachere 2000; Cutcher-Gershenfeld et al. 2007; Martinez-Pecino et al. 2008) as well as individually, but in this article, we focus only on *nonunionized* workplace disputes and/or on workplace mediations that fall outside the context of collective bargaining (Bingham et al. 2000; Bingham and Novac 2001).

First, we define workplace mediation and systematically review the studies on workplace mediation while using the mediation model developed by Margaret Herrman, Nancy Hollett, and Jerry Gale (2006). This comprehensive model takes a time sequential view of factors related to premediation, *in situ* mediation (the mediation process itself), and postmediation. We conclude the article by suggesting directions for future research.

Workplace Mediation

Like other types of mediation (commercial, family, community, environmental, or victim-offender) (Emery, Sbarra, and Grover 2005; Tang 2009), workplace mediation has proliferated as a popular dispute method. In the case of workplace mediation, the goal is to settle interpersonal employee conflicts arising out of a continuing or terminated employment relationship (Brim 2001; Dolder 2004; Doherty and Guyler 2008). Workplace mediation may seek to resolve disagreements over work conditions, conflicts between employees, the reintegration of employees after a leave of absence (Shaw et al. 2008), and disagreements about an employee's termination. They can also address complaints about sexual harassment (Bond 1997; Oser 2004–2005), discrimination (Stallworth, McPherson, and Rute 2001; McDermott and Ervin 2005), bullying (Doherty and Guyler 2008; Fox and Stallworth 2009), multiparty conflicts and/or business-to-business conflicts (Rome 2003).

During workplace mediation, a third party accepted by the disputants helps them discuss their issues and, it is hoped, grow to better understand each other's concerns. Typically, the mediator has no power to prescribe agreements or outcomes (Kressel and Pruitt 1989; Wall, Stark, and Standifer 2001). Rather, the mediator helps the parties to determine what *they* believe to be an acceptable solution for themselves (Oser 2004–2005; Goldman et al. 2008). In doing so, the mediator promotes open communication as well as mutual understanding of each party's underlying interests (Kressel 2006).

Mediation can be perceived as a coentrepreneurial business activity in which parties contribute equally to the final resolution (Doherty and Guyler 2008). The growing use of mediation in the workplace reflects changes in the relationship between employers and employees; as union membership has declined, collective employment relationships have shifted to individual ones in which employees negotiate their own individual arrangements (Lipsky, Seeber, and Fincher 2003; Dolder 2004; Goldman 2011).

Like many other conflicts, workplace conflicts rarely require only a legal solution. Often, intense emotions are involved that should be taken into account in the search for a long-lasting and constructive solution. Mediation's open and consensual approach helps parties to discuss their underlying emotions, concerns, and expectations. This not only stimulates the search for a mutually acceptable agreement but also promotes an improved relationship between the parties once the dispute has been settled (which is not typically an outcome of arbitration) (Gourlay and Soderquist 1997–1998; Dolder 2004).

Employers may choose to implement workplace mediation for several reasons. These include the following: the desire to

- maintain the relationship,

- solve conflicts in an efficient and/or cost-effective manner,

- prevent or limit the detrimental effects of conflict,

- contribute to employees' well-being and satisfaction,

- increase disputants' access to justice, and/or

- help create a problem-solving corporate culture.

The literature on workplace mediation seems to assume that the process has benefits, but few rigorous tests of the conditions under which workplace mediation might be effective – which could confirm that assumption – have been implemented. To gain more insight in this area, we conducted an in-depth review of literature on workplace mediation.

We retrieved articles identified in reviews of mediation research more generally (Wall and Lynn 1993; Wall, Stark, and Standifer 2001; Herrman 2006; Wall and Dunne 2012) and through computer searches using Psyc-INFO, ISI Web of Science, and Google Scholar. In addition, we examined the proceedings of the International Association for Conflict Management to allow for the systematic inclusion of unpublished work. We used the following terms to find pertinent articles: workplace mediation, labor mediation, business mediation, organizational mediation, workplace conflict, employment dispute, employment dispute resolution, labor conflict, workplace mediator, labor mediator, mediation, bullying and mediation, discrimination and mediation, sexual harassment and mediation, hierarchical labor conflict, and alternative dispute resolution. Then we identified additional articles from the reference lists of the papers we found in those searches.

We selected papers for further review if we found they include data or information about the antecedents and/or conditions of workplace mediation effectiveness. We restricted our search to papers published from 1992 to 2012. We excluded articles that focused on collective conflicts, were not written in English, or focused on cases in which a manager or internal ombudsmen acted as mediator instead of an external mediator (Pinkley et al. 1995; Ross 1995; Oser 2004–2005; Tjosvold and Fang 2006).

We classified our review results into three categories:

- books;

- literature reviews, theoretical articles, and opinion essays; and

- empirical research articles.

We were surprised to find that only four books, fifteen theoretical articles, and thirteen empirical research articles met our criteria for inclusion. For decades, governments, courts, and corporations have pressed for workplace mediation, and consequently it is regularly relied upon. But despite its

frequent use, in the last two decades only a limited number of studies have been conducted on the process.

We found that the few books on workplace mediation are often based on company practices and experiences with mediation (Lipsky, Seeber, and Fincher 2003) (see Table One).

In addition, a substantial number of the scholarly articles on workplace mediation are descriptive and focus on *why* workplace mediation should be undertaken rather than on uncovering the conditions that contribute to its effectiveness (see Table Two).

We note that we found no articles *reviewing* the research on workplace mediation. As Table Two indicates, the only review article addresses workplace mediation in an indirect way: it refers to workplace mediation as a crucial tool for return-to-work coordinators facilitating the reintegration of employees (Shaw et al. 2008).

Table One
Books on Workplace Mediation

Author (Year)	Country	Title
Anderson (2001)	New Zealand	*Labour's Labour Law: Labour Law Reform in New Zealand under a Labour Government*
Brim (2001)	United States	*Talks Replacing Torts in Workplace Conflict: More Businesses Relying on Mediation*
Doherty and Guyler (2008)	United Kingdom	*The Essential Guide to Workplace Mediation and Conflict Resolution: Rebuilding Working Relationships*
Lipsky, Seeber, and Fincher (2003)	United States	*Emerging Systems for Managing Workplace Conflict: Lessons from American Corporations for Managers and Dispute Resolution Professionals*

Herrman's Mediation Model

To gain insight into workplace mediation literature and to guide future research, we rely on a model developed in 2006 by Margaret Herrman,

Table Two
Literature Reviews, Theoretical Articles, and Opinion Essays on Workplace Mediation

Author (Year) (Country)	Topic
A. Reviews	
Shaw et al. (2008) (U.S.)	Literature review based on forty articles describing the role of return-to-work (RTW) coordinators in trial programs and interventions (among other kind of workplace mediation) designed to prevent workplace injury. Successful RTW coordination may depend more on competencies in ergonomic job accommodation, communication, and conflict resolution than on medical training.
B. Theoretical papers and opinion essays	
Bingham (2004) (U.S.)	Focuses on the use of workplace mediation to solve employment disputes. Compared to arbitration, workplace mediation shows several benefits: it is efficient, perceived as fairer, produces high satisfaction and settlement rates, and provides disputants with conflict-resolution skills. Collaboration of researchers with practitioners (e.g., mediation providers and mediators) is necessary to collect adequate quantitative and qualitative data to test these assumptions in an empirical way.
Bond (1997) (U.S.)	Suggests mediation as a method for resolving sexual harassment disputes in the workplace because it provides maximum benefits to all the parties involved (cost and time efficiency, empowerment, room for apologies) especially when the relationship will be continued.
Dolder (2004) (United Kingdom)	Examines the contribution of mediation to workplace justice. Although it highlights the successful incorporation of workplace mediation in several continents, it urges caution on the part of UK policy makers who may be seduced into utilizing mediation to facilitate settlement for predominantly tactical reasons.
Fox and Stallworth (2009)	Looks at how to build a framework for two internal organizational approaches to resolve and prevent workplace bullying: alternative dispute resolution and training. One way to prevent and handle bullying is workplace mediation.
Goldman (2011) (U.S.)	Dispute system design and justice in employment dispute resolution: mediation at the workplace. Reviews the results of a longitudinal study of employment mediation for discrimination cases in the United States Postal Service (REDRESS program): 1,500 mediators, 66,000 complainants, and 62,000 supervisors. Conclusion: a well-designed and implemented mediation program can afford meaningful workplace justice and improve the workplace climate.

Table Two
Continued

Author (Year) (Country)	Topic
B. Theoretical papers and opinion essays	
Gourlay and Soderquist (1997–1998) (U.S.)	Documents the increase in use of employment litigation and mediation; describes the benefits, risks, and challenges.
Lipsky and Seeber (1999) (U.S.)	An excerpt from the article "The appropriate resolution of corporate disputes: A report on the growing use of ADR by US corporations," which appeared in the 1998 issue of Cornell/PERC Institute on Conflict Resolution. Discusses reasons for the use of alternative dispute resolution (ADR) and barriers to ADR. In a study of 530 large corporations that had both mediation and arbitration in employment disputants, the strongest support was for mediation, with managers noting that it allows more control over the process and preserves the relationship between the parties involved.
Oser (2004–2005) (U.S.)	An exploration of the concerns raised by the use of mandatory internal dispute resolution (IDR) mechanisms in the workplace in order to manage sexual harassment disputes.
Poitras, Belair, and Byrne (2005) (Canada)	Looks at the risk of inflated disciplinary action in the workplace, which may be associated with use of workplace mediation as part of a dispute resolution system. It argues that some characteristics of mediation may compound with some features of the work environment to create such a risk.
Rome (2003) (U.S.)	A guide to business-to-business mediation.
Stallworth, McPherson, and Rute (2001) (U.S.)	Discusses the significance of the use of mediation in addressing discrimination at the workplace. The author emphasizes the need to create internal conflict management systems among companies and to create a legal frame for employment dispute resolution. Also discusses the key features of the U.S. Postal Service REDRESS program.
Swendiman (2001) (U.S.)	Reflects on the Equal Employment Opportunity Commission (EEOC) mediation program and how it relates to disputants' satisfaction as well as quick and fair closure of issues.
Wiseman and Poitras (2002) (Canada)	Explores the role of power in workplace mediation and negotiation dynamics, specifically, how mediators simultaneously balance power among the parties while respecting the hierarchical structure of an organization. The authors suggest that if the mediation requirements are not reconciled with the reality of the organizational structure, the power struggle will continue.
Zimmerman (2001) (U.S.)	This article describes the mediation program (process, results, and the role of mediators) of the EEOC.

Nancy Hollett, and Jerry Gale. The model is similar to, but more extensive than, models developed by James Wall (1981), Wall and Ann Lynn (1993), and Eben Weitzman and Patricia Flynn Weitzman (2000). Herrman's (2006) model is grounded in the assumption that the broader sociocultural context affects any form of conflict management, but culture is not explicitly mentioned in the model as a variable affecting mediation. As argued by Wall and Timothy Dunne (2012), we also wish to draw attention to the important role that culture can have on the mediation process. (We will return to this point later.)

The model, displayed in Table Three, provides a time sequence of premediation (T_0), *in situ* mediation (T_m), and postmediation measures (T_1 and T_2).

First, T_0 variables (listed in the first column) refer to sources of variation occurring before a mediation begins. They are also referred to as the antecedents of mediation. They include:

- personal characteristics (e.g., *disputants' and/or mediator age*, *gender*, *mediator styles*, *tactics*),

- disputant beliefs and attitudes (e.g., *motivation to solve the conflict*),

- dispute characteristics (e.g., *level of conflict escalation*), and

- the institutional context (e.g., *voluntary versus mandatory mediation*).

T_m variables (listed in the second column) pertain to the dynamics of the mediation process including:

- factors that prime people to mediate effectively (e.g., *experience of voice*, *recognition*, *empowerment*, *mediator empathy*),

- conditions of mediation (e.g., *experience of procedural clarity*, *justice*, *mediator neutrality*),

- problem-solving dynamics (e.g., *active negotiation*), and

- the dynamics of decision making (e.g., *disputants' active involvement*, *mediator-driven closure*).

T_1 and T_2 variables (respectively listed in the third and last column) constitute short-term (T_1) and long-term (T_2) end products of mediation such as:

- disputant beliefs and attitudes (e.g., *satisfaction with mediation process*, *outcome*),

- characteristics of the conflict resolution (e.g., *agreement reached or not*), and

- institutional indicators of outcomes (e.g., *mediation efficiency, duration, cost*).

Table Three
Herrman's Comprehensive Mediation Model

T_0 Antecedents $\longrightarrow$	T_m Mediation Process $\longrightarrow$	T_1 Short-Term Outcomes $\longrightarrow$	T_2 Long-Term Outcomes
Personal characteristics	**Factors that prime readiness**	**Disputant beliefs and attitudes**	**Disputant beliefs and attitudes**
• Disputant characteristics	• Able to talk about perceptions and feelings	• Satisfaction with the outcome, the process and the mediator	• Post-mediation evaluation
• Mediator characteristics	• Feeling heard and understood	• Satisfaction with judicial system	• Relationship change
	• Perceived self-efficacy	• Compliance orientation	
	• Clarity	• Improved functioning	
	• Mediator empathy	• Reduced anxiety or fear	
	• Hostile environment	• Why case settled	
Disputant beliefs and attitudes	**Procedural factors: Mediation conditions**	**Conflict resolved**	**Conflict resolved**
• Willingness to participate	• Active participation	• Agreement reached	• Compliance with agreement
• Perceptions of voluntariness	• Procedural clarity	• Issues resolved	• Restorative justice
• Expectations and feelings about the mediation	• Global fairness and interactional fairness	• Distributive justice	• Reduced recidivism
• Motivation to resolve	• Mediator neutrality	• Relationship changed	
	• Mediator process control		
Dispute characteristics	**Procedural factors: Problem solving**	**Institutional context**	
• Legal characteristics	• Active negotiation	• Institutional efficiency	
• Conflict characteristics	• Talk about issues and needs	• Institutional effectiveness	
• Interpersonal dynamics	• Formulate options	• Comparable cost	
Institutional context	**Procedural factors: Decision making**		
• Program context	• Clients shape decisions		
• Process access	• Mediator-driven closure		
• Process efficiency			
• Process information			

At first glance, the model may appear linear (deterministic) or static (fixed), but it offers a flexible framework and functions dynamically. As such, T_0 variables not only affect the mediation process (T_m) and its outcomes ($T_{1,2}$), but at the same time short-term (T_1) and long-term (T_2) mediation outcomes continuously generate feedback that sustains or modifies the mediation process (T_m) and the antecedent conditions (T_0). For example, when skilled mediators realize that they are not reaching settlement (T_1) or when parties do not comply with the agreement in the long term (T_2), they may consider using different tactics (T_m) in a subsequent mediation or may choose to broaden their mediation skills (T_0).

Mediation outcomes (T_1 or T_2) (e.g., *feeling unsatisfied with the mediation*) may also affect parties' willingness to participate in mediation in the future (T_0) (e.g., *refusal to participate in mediation*) or their expectations and feelings about mediation (T_0) (e.g., *mediation does not work*). Similarly, the conditions a mediator creates during the mediation (T_m) (e.g., *procedural clarity, active participation*) affect the parties readiness for mediation (T_m) (e.g., *whether parties feel able to talk openly about their perceptions and feelings, whether parties feel they are being listened to*) as well as the mediation's outcomes (T_1 or T_2) (e.g., *parties' satisfaction or well-being*).

Mediation does not operate in a vacuum. The context or environment in which mediation takes place affects the *antecedent conditions* of mediation (T_0), the *mediation process* (T_m), and the potential *mediation outcomes* (T_1 and T_2). Context can include a society's culture (Hofstede 2001; House et al. 2004) as well as the immediate context, such as the organizational climate (Tjosvold and Fang 2006; Wall and Dunne 2012).

The context or culture may affect the antecedents of mediation (T_0), how disputants perceive or value mediation, their preferred ways of solving the conflict, their expectations of mediation, and how easy it is for them to participate in mediation. Data show, for example, that Chinese and Dutch employees prefer (and expect) different types of help from a third party. Whereas Chinese employees report a higher preference for relational help, Dutch employees prefer (individual) emotional help from a third party (Giebels and Yang 2009). And certain characteristics of Belgian culture help explain the marked reluctance of Belgians to turn to mediation to settle their workplace conflicts (Euwema, Bollen, and Prins 2008).

Similarly, mediators who come from different cultures tend to rely on varying mediation tactics (T_0). For example, mediators from more collectivist cultures tend to emphasize harmony more than do their counterparts from more individualistic cultures, use less assertive mediation tactics, and call more on disputants to forgive or apologize (Kim et al. 1993; Callister and Wall 1997). This can have important consequences for the mediation process (T_m) (communication, participation, process control, etc.) and both short- (T_1) and long-term (T_2) mediation outcomes. Because Chinese and

Dutch employees prefer different types of help from a third party (Giebels and Yang 2009) (T_0), it is likely that they would evaluate similar mediator tactics (T_0) or the mediation process (T_m) differently. Clearly, parties' satisfaction and compliance with the mediation agreement (T_1 and T_2) are highly affected by whether the mediator's tactics and the mediation process are in accordance with their cultural norms and values. Finally, the selection of who can become a mediator and his or her level of (in)formal power (Kim et al. 1993) is highly dependent on context and culture.

To organize our review of the selected literature on workplace mediation, we have used the Herrman model described earlier (Herrman, Hollett, and Gale 2006; see also Polkinghorn and McDermott 2006). Hence, we hope to gain insight into what is empirically known about workplace mediation and which areas warrant further investigation. The results are displayed in Table Four later. In this table, boldface font combined with an asterisk indicates Herrman's general categories, while subcategories are italicized. Taking the study of Jonathan Anderson and Lisa Bingham (1997) as an example, we see that one category of T_m variables is measured, namely factors that prime readiness (specifically, *recognition, feeling heard, and empowerment*). In addition, two categories of mediation outcomes in the short (T_1) and long term (T_2) are measured: disputant beliefs and attitudes as well as the institutional context (*upstream effects on disputants and workplace*).

Antecedents

The antecedents (T_0 variables) are variations that occur before a mediation begins. The most investigated mediation antecedents are *mediator characteristics* such as mediation skills, tactics, and styles (Kim et al. 1993; Callister and Wall 1997; McDermott et al. 2000, 2001; Mareschal 2005; Jameson, Bodtker, and Linker 2010; McDermott 2012).

But until now, there have been no conclusive studies on the *relative* effectiveness of specific mediation strategies. This reflects the general state of research on mediation styles and tactics in the more extensive general literature on mediation; although we know something about *the nature of mediator styles and tactics*, knowledge about *their relative effectiveness and appropriateness under particular circumstances* is scant (Brett, Drieghe, and Shapiro 1986; McDermott and Obar 2004; Wall and Kressel 2012).

Most researchers believe that the effectiveness of certain mediation tactics or styles is highly dependent on such factors as the characteristics of the dispute (e.g., conflict escalation, potential for violence, etc.), the disputants' attitudes and orientations (e.g., motivation to resolve the conflict), and the surrounding context. For example, if the disputants expect or need to maintain a relationship after the mediation, it would be reasonable for the mediator to use techniques targeted toward maintaining an amicable

Table Four
Empirical Research Articles on Workplace Mediation

Author (Year)	Country	Sample and Method	T_0 Antecedents	T_m Mediation Process	T_1 Short-Term Outcomes	T_2 Long-Term Outcomes	Results
Anderson and Bingham (1997)	United States	42 structured in-depth interviews: *29 employees, 13 supervisors*		***Factors that prime readiness:** *Recognition, feeling heard, empowerment*	***Disputant beliefs and attitudes** ***Institutional context:** *Upstream effects on disputants and workplace*	***Disputant beliefs and attitudes** ***Institutional context:** *Upstream effects on disputants and workplace*	REDRESS (USPS) has a transformative (recognition and empowerment) effect. Disputants learn new skills (e.g., how to listen) and how to deal with labor conflicts.
Bingham and Pitts (2002)	United States	7651 exit surveys		***Factors that prime readiness** ***Mediation conditions:** *Procedural justice, perceptions of the mediator*			REDRESS (USPS): Mediation impacts the workplace positively. Conflicts are solved earlier. An outside neutral mediation program may outperform an inside program.
Bollen, Euwema, and Müller (2010)	The Netherlands	49 exit surveys: *26 subordinates, 23 supervisors*	***Dispute characteristics:** *Hierarchical conflict*	***Factors that prime readiness:** *Uncertainty about the mediation*	***Disputant beliefs and attitudes:** *Satisfaction with mediation outcome and process*		Uncertainty about the mediation impairs satisfaction with the mediation. Especially subordinates' satisfaction is negatively affected by uncertainty.
Bollen, Ittner, and Euwema (2012)	The Netherlands	49 exit surveys: *26 subordinates, 23 supervisors*	***Dispute characteristics:** *Hierarchical conflict*	***Mediation conditions:** *Procedural justice*	***Disputant beliefs and attitudes** ***Conflict resolved:** *Mediation effectiveness*		Perceived procedural justice contributes to perceived mediation effectiveness. Especially subordinates' perceptions of mediation effectiveness are determined by perceived procedural justice
Callister and Wall (1997)	Japan	40 interviews with workplace mediators: *25 men and 15 women*	***Personal characteristics — mediator:** *Mediation technique*				Japanese mediators rely especially on nonassertive techniques such as gathering information, listening to opinions and relaying these between disputants.

Boldface font combined with an asterisk "*" indicates Herrman's general categories, while subcategories are italicized.

Table Four
Continued

Author (Year)	Country	Sample and Method	T_0 Antecedents	T_m Mediation Process	T_1 Short-Term Outcomes	T_2 Long-Term Outcomes	Results
Kim et al. (1993)	South Korea	Structured interviews: 95 workplace mediators	***Personal characteristics mediator and disputant** **Dispute characteristics*		***Conflict resolved:** *Agreement or not*		Mediation techniques used: data gathering, reconciliation, dependency, and analysis. The use of these techniques is related to mediators' low formal power in South Korea.
Mareschal (2005)	United States	78 surveys: mediators' perspectives on conflict resolution	***Personal characteristics:** *Mediator skills* ***Disputant beliefs and attitudes** *Disputants' collaborative orientation and mediator acceptability* ***Dispute characteristic:** *Hostility* ***Institutional context:** *Management outlook*	***Mediation conditions:** *Mediator perspectives on successful conflict resolution*	***Conflict resolved:** *Agreement or not*		Mediator skill base and disputants' collaborative orientation increase the chances to reach an agreement, while relationship hostility is negatively related. Management outlook and mediator acceptability relate indirectly to reaching an agreement. Mediator tactics were unrelated to the likelihood of reaching agreement.
McDermott et al. (2000)	United States	3255 surveys: participant perceptions	***Personal characteristics:** *Disputant (age, gender, race etc.)* ***Dispute characteristics** ***Institutional context:** *Process information*	***Factors that prime readiness:** *Voice* ***Mediation conditions:** *Perceptions of the mediator Procedural and distributive justice Neutrality* ***Problem solving**	***Disputant beliefs and attitudes** ***Conflict resolved or not** ***Institutional context:** *Efficiency*		High levels of satisfaction with the EEOC mediation program. Especially high levels of satisfaction with the procedural elements of the mediation. Parties are willing to participate in mediation again
McDermott et al. (2001)	United States	2062 surveys: mediator perceptions	***Personal characteristics:** *Mediator style, tactics and background* ***Institutional context**	***Mediation conditions:** *Procedural and distributive justice* ***Problem solving** *Parties conduct* ***Barriers to resolution** ***Turning points**	***Disputant beliefs and attitudes** ***Conflict resolved** ***Institutional context:** *Efficiency and effectiveness*		Essential for successful mediation: disputants' open attitude, good mediator skills (reframing, clarifying), the facilitation of open communication, the use of caucus, providing parties with a reality check and a mediator who is calm, empathetic, professional, optimistic and persistent.

Boldface font combined with an asterisk "*" indicates Herrman's general categories, while subcategories are italicized.

Author (Year)	Country	Sample and Method	T$_0$ Antecedents	T$_m$ Mediation Process	T$_1$ Short-Term Outcomes	T$_2$ Long-Term Outcomes	Results
Poitras (2007)	Canada	74 exit surveys: *47 men, 27 women*		***Problem solving:** *Accepting one's share of responsibility*			Parties' joint recognition of their responsibility for the conflict leads to more collaboration. When responsibility is acknowledged unilaterally instead of jointly it decreases cooperation.
Poitras and LeTareau (2009)	Canada	207 exit surveys: *105 supervisors 102 subordinates 108 women 99 men*		***Mediation condition:** *Procedural justice Mediator usefulness*	***Disputant beliefs and attitudes:** *Satisfaction with agreement Confidence in agreement Reconciliation*		This study assessed the quality of mediation agreements. Three types of agreement are identified: disappointing (1), satisfactory (2), and value-added agreements (3).
Swaab and Brett (2007)	The Netherlands	1381 family and labor mediation		***The use of caucus**	***Conflict resolved:** *Quality of settlement*		The use of caucus prior to the mediation contributes to the quality of settlement. Caucuses are not meant to encourage settlement but to build trust.
Wood and Leon (2005–2006)	United States	36 cases of workplace mediation in the city government			***Disputant beliefs and attitudes:** *Satisfaction with the mediation* ***Conflict resolved** ***Agreement** ***Institutional context:** *Efficiency* ***Recommendation of mediation, reuse mediation**		Participants reported a high degree of satisfaction with the process, 90 percent would use mediation again and recommends mediation to coworkers. Agency management personnel and municipal employees' unions feel also satisfied. Mediation is cheaper than litigation.

Boldface font combined with an asterisk "*" indicates Herrman's general categories, while subcategories are italicized.

relationship. If no such need exists, the mediator may prefer to focus on obtaining a resolution to the specific relevant conflict and have less concern for the long-term relationship.

Disputant beliefs and attitudes include disputants' willingness to participate in the mediation, their motivation to solve the conflict, and their "social value orientation" (e.g., *Are they competitive or cooperative?*). When parties believe that they are being forced to mediate, they are often unwilling to fully participate in the process. In addition, their tendencies to compete or cooperate can affect which communication modes are most effective (Swaab et al. 2012). It is known that disputants often hold a competitive attitude and tend to interpret each other's actions as efforts to dominate and/or exploit. Recent research has shown that a competitive attitude can have an especially detrimental effect on the (communication) process when parties communicate in a synchronous way (direct communication without time lags) and/or vocal as well as visual cues are present (Swaab et al. 2012). Thus, in other words, when competitive disputants communicate face-to-face, they may be more likely to express themselves in hostile, aggressive, or ineffective ways, which can have detrimental effects on attempts to solve their problem.

Consequently, it may be wise to limit immediate interactions or feedback when the conflict is highly escalated or when parties are highly competitive. This can be done with the use of a precaucus, which is a private meeting between mediator and disputants before the joint face-to-face mediation, or with a caucus, a private meeting during the mediation (see, e.g., Hoffman 2011). In this way, parties communicate asynchronously (not at the same time), and any verbal or physical cues expressing aggression or hostility are (temporarily) eliminated. As soon as parties are able to communicate in a reasonable way, the mediator may opt for face-to-face mediation.

Dispute characteristics include the conflict's level of escalation or hostility, as well as the type or nature of the conflict (*conflicts over terms and conditions of employment, sexual harassment, etc.*). Relevant articles have examined workplace mediation in cases of bullying (Doherty and Guyler 2008; Fox and Stallworth 2009), discrimination (Stallworth, McPherson, and Rute 2001; McDermott and Ervin 2005), and sexual harassment at work (Bond 1997; Oser 2004–2005). Unfortunately, however, research on mediation effectiveness has tended to only discuss workplace mediation very generally and has not focused on the impact of the type of dispute on the effectiveness of workplace mediation.

Other dispute characteristics include: the conflict's level of legal complexity and the interpersonal dynamics between disputants (*Will parties interact after the mediation? What is the relation between the parties?*). With respect to interpersonal dynamics, recent research on workplace mediation has begun to focus on the role of hierarchy in mediation (Bollen, Euwema, and Müller 2010). During mediation, the mediator attempts to

level the playing field between disputants and encourages both parties to participate equally. But is this possible when hierarchical labor conflicts are mediated? How can hierarchical conflicts be most effectively mediated? (Wiseman and Poitras 2002; Bollen, Ittner, and Euwema 2012). Given that mediation has a temporal character and hierarchy has a vast impact on how people think, feel, and behave in conflict (Van de Vliert, Euwema, and Huismans 1995; Fitness 2000; Keltner, Gruenfeld, and Anderson 2003; Guinote 2007), it is likely that hierarchy affects disputants' perceptions and attitudes toward mediation (T_0) as well as their perceptions and evaluations of the mediation in the short term (T_1) and/or long term (T_2).

The institutional context is the least explored antecedent (Mareschal 2005). The institutional context refers to:

- program context (*Is the mediation voluntary, mandatory, or referred to? And how does it relate to mediation effectiveness?*), which is usually affected by the legal and/or cultural context;

- process access (*How easy is it to get access to mediation? Is it sponsored?*);

- process efficiency (*How long does the process take compared to other procedures?*); and

- process information (*Is the program clearly explained?*) (McDermott et al. 2000).

Mediation Process

The dynamics of the mediation process (T_m variables) include the factors that prime people to mediate effectively, mediation conditions, and problem-solving and decision-making dynamics. Research on T_m variables has predominantly investigated the factors that prime readiness to mediate (Anderson and Bingham 1997; McDermott et al. 2000, 2002; Bollen, Euwema, and Müller 2010) and mediation conditions that generate trust (McDermott et al. 2000, 2001, 2002; Bingham and Pitts 2002; Poitras and LeTareau 2009; Bollen, Ittner, and Euwema 2012).

Disputants are primed to participate in mediation when they feel it gives them a voice, recognition, and empowerment, and when they perceive mediator empathy. The USPS's REDRESS service takes a transformative mediation approach, with empowerment and mutual recognition playing a central role (Bush 2001; Goldman 2011; Bingham 2012). The program's effects can be observed in changes in both the behavior of disputants as well as in changes to the workplace culture; while disputants learn new skills to deal with conflicts (e.g., how to listen, how to intervene in a constructive way, how to regulate nonverbal behavior), the workplace culture has improved so that complaints are dealt with early and only occasionally reach a formal stage (Anderson and Bingham 1997; Bush 2001;

Bingham and Pitts 2002). Furthermore, research has shown that when disputants receive recognition from the mediator, they perceive that the mediation has been more effective than when they receive little or no recognition (T_1) (Bollen and Euwema, unpublished data).

The mediation process can provide procedural justice and interpersonal justice. Findings from the REDRESS project suggest that a six-factor model of organizational justice provides a good fit for the data when examining justice at the workplace (Nabatchi, Bingham, and Good 2007). Independent from the objective economic outcomes of the mediation process itself, researchers know that people are more satisfied with the outcome (T_1 or T_2) when they believe the process has been fair (Lind and Tyler 1988).

The following conditions are particularly important for creating the perception of procedural justice: parties must have an opportunity to participate in the process, have control over the process, and must believe that the process is impartial and that they are treated with respect. Consequently, one of the mediator's core tasks is to nurture procedural justice. Workplace mediation research has shown that mediation satisfaction (T_1) is enhanced when parties perceive that procedures have been fair and is diminished when parties feel uncertain about the mediation process (Bollen, Euwema, and Müller 2010; Bollen, Ittner, and Euwema 2012).

Another way to establish rapport is through the use of a caucus prior to mediation (Swaab and Brett 2007) or to apply "shuttle diplomacy," for example, caucusing frequently with the parties separately (Hoffman 2011). Although some authors contend that the use of caucus gives the mediator too much power, these private meetings can be used to provide parties with a chance to tell their side of the story and to share their emotions. The insights gained from a caucus can be pivotal in achieving conflict transformation (Jameson, Bodtker, and Linker 2010). In addition, stimulating parties to acknowledge joint responsibility for the conflict can also stimulate cooperation (Poitras 2007).

Research on decision making and problem solving in the context of labor mediation (Poitras 2007) has been scarce, possibly because workplace mediation research has tended to focus on mediation designed to foster parties' mutual understanding and recognition (factors that prime readiness) rather than on workplace mediations that are especially designed to achieve settlement.

In contrast to more relationship-oriented mediation, settlement-oriented mediation may have a greater focus on issue identification, for example. In settlement-oriented mediation, mediators may take more initiative and be more directed in their approach (Goldman 2011).

Short-Term and Long-Term Outcomes

As Table Four shows, nearly all research exploring the outcomes of workplace mediation has looked at short-term outcomes following the

mediation (T_1), with few examinations of long-term outcomes obtained six or more months after the mediation (T_2). This reflects the lack of longitudinal research on this topic.

To investigate mediation effectiveness, many studies have focused on the success ratio of signed mediation agreements (Lipsky, Seeber, and Fincher 2003). More recently, however, most researchers argue that a reliance on such objective indicators can be far too limited: an agreement does not always mean that all conflict issues have been resolved, and often disputants seek relief that is more than solely monetary (Bond 1997).

Hence, many scholars also advocate the combined use of subjective indicators reflecting the quality of the agreement (disputant beliefs and attitudes) as well as objective indicators (whether the conflict has been resolved or an agreement has been reached) (Herrman 2006; Poitras and LeTareau 2009).

Short-term outcomes fall into three categories:

- disputant beliefs and attitudes (e.g., *satisfaction with several aspects of the mediation, compliance, well-being*) (Anderson and Bingham 1997; McDermott et al. 2000, 2001, 2002; Bingham and Pitts 2002; Wood and Leon 2005–2006; Poitras and LeTareau 2009; Bollen, Euwema, and Müller 2010; Bollen, Ittner, and Euwema 2012),

- whether the conflict has been resolved (e.g., *agreement, issues resolved, distributive justice, relationship changed*) (Kim et al. 1993; McDermott et al. 2000, 2001, 2002; Mareschal 2005; Wood and Leon 2005–2006; Poitras and LeTareau 2009), and

- the institutional context (e.g., *institutional efficiency and effectiveness, comparable cost*) (Anderson and Bingham 1997).

With respect to disputant beliefs and attitudes, research has shown that disputants typically feel satisfied with the procedural elements (procedural fairness) of the mediation process (McDermott et al. 2000, 2002; Bollen, Ittner, and Euwema 2012). Furthermore, a disputant's place in the workplace hierarchy seems to affect his or her perceptions of the mediation's effectiveness as well as his or her satisfaction with the mediation (Bollen, Euwema, and Müller 2010; Bollen, Ittner, and Euwema 2012). Compared to subordinates, supervisors express greater satisfaction with the mediation. In addition, subordinates' satisfaction seems to be negatively affected by high levels of uncertainty about the mediation and low levels of perceived justice. This is not the case for supervisors (Bollen, Euwema, and Müller 2010; Bollen, Ittner, and Euwema 2012). Obviously, subordinates have less power in the workplace and consequently suffer more from the detrimental effects of hierarchical conflict and are more likely than supervisors to perceive the conflict as unresolved (Fitness 2000; De Raeve et al. 2009). Consequently, we would expect subordinates and supervisors to

hold different expectations toward the mediation process as well as different attitudes about the resolution of the conflict, which affect their perceptions of the mediation.

In research on the effectiveness of workplace mediation, compliance orientation (disputants' intention to comply with the mediation agreement reached) and improved functioning or well-being have rarely been used to measure the success of short-term outcomes for disputants (T_1). We suggest that two measures or questions that could help measure the effectiveness of workplace mediation would be: Would you recommend the use of mediation to others? Would you consider using mediation in the future? (Wood and Leon 2005–2006).

Data show that workplace mediation produces good settlement rates (Kim et al. 1993; McDermott et al. 2000, 2001; Wood and Leon 2005–2006; Swaab and Brett 2007). The likelihood of reaching an agreement improves when the mediator has a strong *skill base* and when disputants have a' *collaborative orientation*. In contrast, relationship hostility correlates negatively to reaching an agreement (Mareschal 2005). Patrice Mareschal (2005) has shown that, surprisingly, *management outlook* and *mediator acceptability* relate indirectly to reaching an agreement, whereas *mediator tactics* are unrelated to the likelihood of reaching an agreement. The latter conclusion contradicts more general mediation literature indicating that certain mediation tactics are crucial in successful mediation (Goldberg and Shaw 2007). It also suggests that studies based on survey and recall (Mareschal (2005) need to be approached with some caution. Finally, we note that the mediator's presence — more a function of who the mediator is than what he or she does — can have a profound impact on the mediation process (Bowling and Hoffman 2000).

Mediation studies often end at the institutional context stage (institutional effectiveness and efficiency), and results are often used by the agency that employs mediators and/or by the company that makes use of mediation to get an idea of mediation efficiency and effectiveness (McDermott et al. 2000, 2001; Wood and Leon 2005–2006).

Finally, given that long-term outcomes are essentially different from short-term mediation outcomes (Pruitt et al. 1993; Emery, Sbarra, and Grover 2005), it is important for future research to include longitudinal studies of workplace mediation.

Discussion

The primary goal of this article is to review the literature on workplace mediation in a systematic and logical way. To this end, we used the model of Margaret Herrman and her colleagues (2006), while paying extra attention to the role of culture or the context in which the mediation takes place.

Our results show that workplace mediation research has been published in a wide variety of outlets in which numerous authors offer

intriguing ways of thinking about the process. However, only thirteen empirical papers have been published on workplace mediation in the last twenty years and often they are very general and policy-oriented (focusing, e.g., on the REDRESS project, the EEOC, etc.) (Anderson and Bingham 1997; McDermott et al. 2000, 2001; Bingham and Pitts 2002; Wood and Leon 2005–2006; Nabatchi, Bingham, and Moon 2010). During the last decade, the number of empirical studies on workplace mediation has been increasing, which we consider to be a positive sign.

Methodological and measurement difficulties may explain some of this research vacuum. To conduct research on conflict and mediation, researchers must find people willing to discuss what are often painful, personal, and sensitive feelings and experiences. Second, even if they gain access to disputants willing to participate in the research, it is usually difficult to find adequate comparison groups. Third, because scholars are under pressure to publish, it can be professionally risky to investigate real mediations, which can be relatively time-consuming and expensive, when one may be able to get published more quickly by examining a less labor-intensive and speedier research topic (Bingham 2012; McDermott 2012).

Until now, most research on workplace mediation has been based on postmediation survey data provided by disputants. Future research should complement these quantitative survey data with qualitative interview data and also seek to collect data before, during, and after the mediation process. And because all parties involved in mediation may experience interventions in different ways, it is important to gather data from all the parties involved in the mediation as they hold different and (multiple) perspectives. This can be especially important when parties have differential power relationships.

Our observations correspond with those of researchers who have looked at mediation more generally. As mediation researchers have argued, one effective approach to study mediations would be a mixed method that involves researchers observing the mediation combined with self-reported data (surveys and interviews) that address both mediators' and disputants' pre- and postmediation impressions (data triangulation) (McDermott 2012). In practice, observation is rarely used because the disputants often perceive it to be intrusive and threatening.

In addition, an obvious advance in workplace mediation research would involve longitudinal mediation research to examine the long-term impacts of the process. Research that looks more closely at the impact on the process of *different types of conflict* would also be beneficial.

Finally, mediation service providers are increasingly relying on online tools to manage workplace conflicts, from fully electronically supported mediations to hybrid mediations that are partly computerized and partly face-to-face. The differences in outcome between online and face-to-face workplace mediation would be a fruitful area for future research.

Practical Recommendations

Thanks to initiatives taken by governments and companies to foster mediation, the use of workplace mediation has flourished. Nonetheless, the number of studies on workplace mediation has been limited — in the last two decades there have been only thirteen empirical studies. Findings from research on workplace mediation could be useful to guide mediators in their practice. By investigating which mediation conditions contribute to mediation effectiveness, research may show which mediation tactics work best given certain disputants, types of disputes, and contexts. Providing mediators with this knowledge would, we believe, improve the quality of mediation. Managers also could benefit from this knowledge, as problem-solving behavior on the management side can buffer the negative impact of conflict on disputants' well-being and performance (Römer et al. 2012).

To successfully undertake some of these new avenues of workplace mediation, we suggest that researchers consider collaborating with mediators and/or mediation providers in the field. Furthermore, it must be clear to all parties involved (including managers and mediators) that the aim of the research is to improve the quality of the mediation process with the goal of contributing to the well-being of all parties involved.

Conclusion

Although the use of workplace mediation has grown, this review reveals that the research on workplace mediation has been scarce. The findings from structured research programs in which researchers investigate actual mediations and explore what works under which conditions hold great promise for helping improve the process. The barriers to conducting this research are not insurmountable. We suggest that the model of mediation characteristics that we have used here, originally formulated by Herrman, Hollett, and Gale (2006), is a useful tool that researchers could use to break down the mediation process into separate components in order to investigate how workplace mediation works and how it could work better.

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